







"From the Author"

THE

BURIAL QUESTION.

BY

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ADVERTISEMENT.

THE following has been written and published at the pressing instance of friends, to whose judgment and wishes the Author felt bound to defer. And this must be his apology, if he should seem to other persons to be offering only a redundant contribution to the treatment of a (perhaps) already over-debated subject.

THE BURIAL QUESTION.

It has not unfrequently of late been cast in the teeth of those who claim specially to represent the interests of the Church on this question, that they have wantonly thrown away a great opportunity of having it settled to their own advantage, by not accepting Lord Harrowby's proposal with regard to it in the House of Lords. But the fact is, that the persons so reproached do not view this question as one of mere advantage, either to themselves, or even to the Church whose interests they claim to represent; but as a simple question of political justice and equity. And accordingly, they have not been able to accept Lord Harrowby's proposal, because, kindly and considerately as they knew it to have been intended on his part, it appeared to them to involve the infliction of a distinct political wrong, not on Churchmen alone, but also on a certain other class of persons, who are, as it happens, theologically, of all people in the world, furthest removed from Churchmen.

And, to pass by for the present the wrong to Churchmen, let me point out the injustice which they believe the proposal would have inflicted on the other class referred to.

Now Lord Harrowby proposed to allow to people in rural districts who objected to having their dead buried with the service of the Church, freedom to hold "Christian and orderly religious services" of their own, at burials in their parish Churchyard. And, most assuredly, this would have met the grievance of such as desired only to have *religious* and *Christian* services at their funerals. But, what of those who might wish to have "orderly" burial rites that were neither "Christian," nor even, in any true sense, "religious?" He does not propose to allow these a similar freedom in our Churchyards. For he would, probably, like most other devout Churchmen, have felt a very decided repugnance to granting any such concession. Still, he was not prepared to support the Government measure, which would have given to these, in common with the other aggrieved classes, new burial grounds, where they might all alike have been free to use their own respective modes of burial. So that, in fact, his proposal would have left this class altogether unrelieved and unprovided for. And yet they are, I fear, not only a very increasing class, but also one whose grievance we must assume to be quite as real, and whose claim to relief is, of course, *politically*, just as valid, as that of any other of the classes referred to. I do not think, therefore, it is at all to be wondered at, that Churchmen who had any desire to be considered logical and conscientious politicians, should, even on this ground alone, have found themselves unable to adopt Lord Harrowby's proposal.

But, then, on the other hand, if even the proposal had been generally acceptable to Churchmen, I cannot discover that it has ever had the slightest chance of being accepted

by Mr. Osborne Morgan and his party, as a complete and final settlement of the question. This point, indeed, has been rendered quite clear by the announcement that Mr. Morgan has made of the course which he intends to take with regard to the somewhat kindred proposal of Mr. Balfour in the House of Commons. Mr. Balfour's measure, like Lord Harrowby's, proposes, under certain conditions and restrictions, to admit alien burial rites into our Churchyards. And Mr. Morgan tells us that he is prepared to let the Bill pass the House unchallenged on its second reading; but that, when it gets into Committee, he shall simply move that all the conditions and restrictions be dropped out of it. So that it will then be made to admit into our consecrated Churchyards every description of burial rite whatsoever, religious or otherwise, without distinction or limitation.

And I confess it is not easy to see how Mr. Morgan and his party could, with any decent show of consistency, have taken a different course. For, maintaining, as they do,—though most unjustifiably, as I venture to think and hope presently to show,—that our Churchyards are the mere property of the State, in the same unrestricted and absolute sense in which our County Gaols and Union Workhouses are so, they must obviously find it impossible to acquiesce in any measure which would give to only a portion of the community rights in the Churchyards, from which any other portion, having equal political claims, were distinctly excluded. For, might not the excluded portion, in such a case, very justly turn round upon them, and accuse them of having lent themselves to a dishonest conspiracy with the common enemy to defraud them of their manifest rights?

With regard, then, to Lord Harrowby's proposal, it

would seem that logical politicians, for the most part, on both sides, have felt themselves unable to accept it, because they have both alike deemed it an incomplete, and so, in fact, an inequitable, solution of the burial difficulty. And hence they have been driven, either, on the one side, to adopt Mr. Morgan's alternative, of a complete and total neutralization of our Churchyards, or, on the other, that of the Government, or something like it, for providing new burial-grounds where required, and leaving the Churchyards under the same conditions and relations as heretofore.

But let us now proceed to consider Mr. Morgan's alternative. And I must confess it seems to me that, if this escapes one form of injustice, it is only to rush into another of far more formidable magnitude ; though, I am sorry to say, this latter form of injustice is, to some extent, shared in by the proposal of Lord Harrowby himself. For, in fact, both measures are chargeable with ignoring the special rights of Churchmen in our Churchyards ; though undoubtedly Mr. Morgan goes very far beyond this ; since he does not merely ignore those rights, but explicitly challenges and denies them. It takes its very start, indeed, from the assumption that no such rights exist, but that the Churchyards are simply the property of the State, and nothing else ; an assumption which, I confess, appears to me to involve the gravest political injustice.

I do not, however, of course, deny that there is a sense in which our Churchyards are the property of the State ; that sense, indeed, in which *all* property of every kind is so ; and this, too, whether it be held by bodies of men, or by single individuals ; since, as we know, all alike is held,

on certain legal and equitable conditions, under the supreme lordship of the State, and is all equally liable, on failure of those conditions, whatever they may be, to lapse to the State, as its primary and ultimate owner.

But, more than this, I am ready to admit that the State—or, in other words, Parliament—has the *power*, if it chooses to exercise it, of reclaiming or confiscating any property, no matter what it is, or by whom it is held; and this, too, quite irrespective of any conditions on which it may be held by them.

Still, I suppose that Mr. Morgan, like most other politicians in this country at the present time, would admit that there are certain principles of political justice and equity, which ought to restrain and govern Parliament in the exercise of the power referred to. He would admit, *e.g.*, that Parliament is bound to respect the conditions under which, by its own authority, or with its own sanction and connivance, property has come to be possessed by its present holders, and would recognise the fact that by virtue of such conditions some descriptions of property are, in certain senses, less the property of the State than others, and that, consequently, Parliament has become politically less free to deal with those kinds of property than with others.

And I will now proceed to give a very simple illustration of what I mean by this. Let us take, then, the case of our great London and County Hospitals, on the one hand, and that of our Union Workhouses, on the other. Now both of these two classes of institutions are, of course, the property of the State, in the primary sense before spoken of; and both, too, may be termed, in another sense, national

institutions, inasmuch as both are intended for the benefit of the general public. But there is another sense in which they are not equally national institutions, nor yet equally the property of the State. The Hospitals were founded and are supported by private benefactions, and are governed by bodies of men, who certainly have not derived their right to govern them from the appointment of the State, though they may perhaps be said to exercise that power under the sanction and protection of the State. The Union Workhouses, on the other hand, derive their whole existence directly from Parliament, and are governed entirely under the authority and appointment of the State. And these, therefore, may be said, in the fullest and most unrestricted sense, to be the property of the State, and nothing else, and may consequently be dealt with by Parliament quite freely and with a simple reference to the exigencies of the public interest, and of that alone. I do not think, however, that Mr. Morgan and his friends would hold that Parliament was equally free to deal with our London and County Hospitals. Suppose, e.g., some one were to say that it is a very heavy burden on ratepayers to have to keep up Union Hospitals for their pauper sick,—and no one can deny this,—and suppose he were to point to our London and County Hospitals, and to say that here are these all ready to hand, and that they are national institutions, and the property of the State, and that therefore Parliament ought to pass a short Act authorising every Board of Guardians to give orders for the gratuitous admission of their sick paupers into the nearest of such Hospitals ; I think that most probably Mr. Morgan, as well as the majority of English politicians at the present

time, would hesitate to admit the political justice and equity of such a measure.

And let us now see how these considerations bear upon the question of our Churchyards. For I contend that these are just about as much the property of the State as our London and County Hospitals are, and no more so.

For, first, the Churchyards were certainly not given originally by the State, but by the Lords of Manors, and given, too, by these, not to the State, or to the Nation, but to the Church, as such, *i.e.*, to the Church, as an essentially spiritual organization, deriving its true and proper origin from a purely spiritual source. I admit, of course, that it is not easy to say precisely when the gift was made; for we have only very scanty records of this undoubtedly remote period. There are, however, some incidental proofs* of the fact to

* Probably the earliest historical references to this subject that we have are to be found in certain Church Canons (A.D. 925—960), which forbid the burial in any consecrated ground of persons who have been guilty of particular offences; some of these being of a distinctly religious and ecclesiastical character. From these Canons, then, it seems tolerably plain that the Church at that time dealt with the consecrated grounds, or, in other words, the Churchyards, as if they were the recognized and undoubted property of the Church. (See Johnson's English Canons, Oxford, 1850, vol. i., pp. 367, 381, 416, &c.)

Again, about the same period, we find, among the laws of King Edgar, two, referring more specifically to the matter of tithes, but showing indirectly the origin of these consecrated burial-grounds. Before the time in question, Churches were very few; being, in fact, only the Cathedrals and other great Minsters; and these had to serve for very extensive districts. And the tithes of such districts were then paid to these Churches, and to them alone. But, in the

be found in the early annals of both the Church and Nation. And there is, at any rate, one very significant fact which is patent to us all, and which, I think, speaks volumes on this point. It is, that, when the Lords of Manors gave our Churchyards to the Church, they did not make the gift absolutely ; but, with regard to this, as well as other property which they presented to the Church, they reserved to themselves, and to their heirs and assigns, a right of nominating, from time to time, the persons in whom the freehold of this property should be successively vested. And this right, or, if I may so call it, this reserved property, in the Churchyards and the rest, has been actually transmitted from the original donors, through all these many

course of time, the Lords of Manors (Thanes) began to build Churches on their estates, and for their own families and dependants ; and then they desired to have the tithes paid to their new Churches. This, however, was expressly forbidden by a law of King Edgar, as being a reappropriation on their part of funds which they had already disposed of, and which had consequently passed out of their control. Still, they were allowed by a subsequent law to transfer one-third of their tithes to the new Church, on condition of its having a burial-ground attached to it. From this, then, it appears that King Edgar encouraged the Lords of Manors to give Churchyards to the Church, though certainly these Churchyards can, in no true sense, be said to have been the gift of the King himself or of the State.

Again, the Mortmain Acts throw some light on this question. These Acts were meant to restrain private persons from giving their lands to the Church ; and one of them (15 Rich. II., c. 5) expressly lays down that the giving of land for a Churchyard came within the prohibitory operation of these Acts. It cannot be said, therefore, that, even at this later period, the Church owed her Churchyards to the liberality of the State, though Parliament seems to have connived at the appropriation of land for such an obviously necessary purpose.

centuries, under the name of patronage, to its present holders, either by inheritance, bequest, gift or sale ; though in some instances it has passed to the Crown by way of lapse. Now this, I think, is a very telling piece of evidence, as to where our Churchyards came from in the first instance.

But, secondly, though, as I am aware, additions have been made to the Churchyards since that time from a different source, yet care has always been taken to render it quite clear that these additions were made as gifts to the Church. When such additions, indeed, became necessary in a parish, and were not otherwise provided for, it was permitted by the common law to a majority of the ratepayers, in consideration of the benefit thus accruing to the whole population, to levy a tax upon the entire body, under the name of Church Rate, in order to obtain the needful ground for this purpose. When, however, the ground had been thus obtained by the parochial authorities, it was formally presented by them to the Bishop, as representing the Church, and was by him formally accepted, on behalf of the Church, and was then solemnly consecrated by him for the purpose of burial according to the rites of the Church. So careful, then, was the law in all this proceeding to guard the principle of the ownership of the Church in our Churchyards.

But, thirdly, this principle has had a more signal and ineffaceable endorsement given to it, in a very different shape, through the legislation that took place, a few years ago, with regard to the abolition of those very Church Rates, which had before occasionally furnished the means of making necessary additions to our Churchyards. A large party, indeed, in the country—one, as it happened, very nearly coinciding with the present political clients of Mr.

Osborne Morgan himself—protested against being obliged to pay Church Rates. They said to Churchmen, at that time, “ As for those Churches and Churchyards for which these rates are levied, they are not ours, but yours. We repudiate them. Take them, then, and maintain them for yourselves and at your own cost, and do not throw the burden any longer upon us.” And, after a long and persistent demand from this party to Parliament, to be relieved from the payment of Church Rates, the demand was at last acceded to, and the rates were abolished. And from that time forward it was left to the Incumbent and Churchwardens of each parish to provide as best they could for the maintenance and enlargement of their Churchyards, by means of voluntary rates and offerings. Presumably, of course, these new funds are the contributions of Churchmen, though there can be no doubt that a portion of them comes now and then from Nonconformists and others ; just as subscriptions are sometimes given by Churchmen towards the establishment and support of Nonconformist places of worship. But, as these latter contributions give the donors no property in those places of worship, nor any right to interfere with the character of the worship to be used there, so the occasional offerings of Nonconformists do not make our Churchyards less the property of the Church and of Churchmen than they otherwise would be.

Looking, then, at all these facts, I think one is perfectly justified in saying that the Churchyards are the special property of Churchmen as such, and that if Parliament were to deal with them in any way that was not in full accordance with the views and feelings of Churchmen generally, it would be guilty of the same kind, and of at

least the same degree, of political injustice, as it would be in dealing with our London and County Hospitals in the way before referred to.

I know, however, it is sometimes contended that, even if the Churchyards do belong to the Church, yet, as the Church itself claims to be National, we must, of course, assume that every Englishman is a member of it, and has therefore an equal property in its Churchyards, and an equal right to be buried there in whatever way may be most agreeable to his own sentiments and convictions.

But in answer to this, I may observe, first, that, in whatever sense the Church may be called National, it certainly is not so, in such a sense as to make all Englishmen members of it. For, in point of fact, and even in the eye of the law, they are not all members of it, as, *e.g.*, those who are unbaptized.

And, secondly, if even it were a National Church in this absolute and unrestrained sense, we should remember that it has its own proper and national burial service; and therefore, while it may be perfectly logical, on the hypothesis before us, to say that every Englishman has a right, when he dies, to be buried in his parish Churchyard *with the national burial service*,* yet, on the other hand, if it be

* And certainly there does not appear to be any common law right of burial in a Churchyard, *except with* the Service of the Church, and so, in fact, except to persons who are *nominally* Churchmen. Of the only two classes of people who are buried there without it, viz., suicides and the unbaptized, the former are so by virtue of *Statute* law (4 George IV., c. 52, s. 2); while the other have apparently come to be so buried by the acquiescence of the parochial authorities, through lack of any other public burial ground.

contended, on the same hypothesis, that he has a right to be buried there *with any other service*, it is not very easy to understand the logic of such a contention.

Besides, as a matter of fact, those who are now claiming for Nonconformists and others the right to be buried in our Churchyards with other rites than those of the Church, are doing so, not on the ground that they *are*, but on the distinct and express ground that they are *not* members of the National Church, and that they do not like the National Burial Service. So that, when people argue in favour of such a concession on the ground of the alleged nationality of the Church, one can hardly feel that their line of argument is even ingenuous, not to speak at all of its logic.

But, of course, if we are to look the matter honestly in the face, we must admit at once, that, if even there ever was a time when the Church could be said to be National, in the sense of being commensurate with the nation, and with the whole extent of its population,—and there never was a time when this could be said with perfect truth,—yet certainly it cannot be said now. For, indeed, the Church has ceased to be National, in anything like such a sense, through the avowed withdrawal from her Communion of a large section of the people themselves. And this large section have not only renounced her Communion, but have also expressly repudiated all concern in her Churches and Churchyards, and have, on this very ground, succeeded in obtaining exemption from all liability to maintain them. So that, indeed, the Churchyards ought now to be frankly recognized, both by these and by the nation at large, as the concern and property of *bonâ fide* Churchmen, and of them alone. I know, of course, that there are practical anomalies

involved in such a state of things as this. But surely these anomalies should be dealt with fairly and honestly, on both sides, and should not be turned, by either side, to one set of uses on one occasion, and then, to an opposite set, whenever it may happen to be convenient, for party purposes, so to apply them.* Few Churchmen, I believe, will deny that the present condition of things operates very disadvantageously, in many ways, to members of the Church, as well as to those who have separated from her Communion. And this applies, no doubt, among other things, to the question of the Churchyards and of burial rites,—a question on which, I am sure, both sides would joyfully hail some change in more ways than one. But, at any rate, I am persuaded that Churchmen generally would gladly see effectual relief given to Nonconformists and others, in those respects in which the existing state of the Burial Law operates to their disadvantage. *E.g.*, I believe there are few who would not rejoice to offer their voluntary contributions towards providing new burial grounds in rural districts; where, as in the urban cemeteries, all might freely use their own burial rites; although there can be no doubt that it is the proper duty of the State, rather than of any particular religious body, to provide places of burial for all alike,—for Churchmen, no less than for others; as, indeed, it has actually done, in the case of our urban population. I may mention, too, that I believe there are not a few Churchmen, clerical as well as lay, who would willingly, as a matter of personal kindness and friendship, accord to devout and orthodox

* See Note, p. 41,

Nonconformists liberty to celebrate their own burial services in our country Churchyards, although there would obviously be a practical difficulty in carrying out such an arrangement, unless those who were to avail themselves of it would consent to use a definite formulary, as Churchmen have to do. For, if liberty were to be given on any other terms, and given only to the orthodox and devout, some one or more persons would, of course, have to determine in each case whether the requisite conditions were fulfilled, or not. And, in doing so, they must inevitably, sooner or later, have to draw the line of exclusion somewhere. But how intensely painful this necessity would be to men of tender hearts, as well as of tender consciences,—and I hope Mr. Morgan, and Mr. Bright likewise, will believe that there are such persons among Churchmen, and even among the Clergy, although they may not perhaps agree with them on this burial question,—I say how intensely painful it would be to such persons to have to give a decision which they must know could hardly fail to bring fresh grief to some already overburdened hearts. And I can well believe that there are Churchmen to whom it would be almost easier to acquiesce in Mr. Morgan's scheme of a complete neutralization of our Churchyards, than to incur such a responsibility.

In saying this, however, I would not for one moment be thought to imply that Churchmen generally are able to feel anything at all like acquiescence in Mr. Morgan's scheme, or, indeed, in any other that would involve an enforced or extraneous neutralization of our consecrated Churchyards, even if it were ever so partial a one. And, considering the actual relations in which Churchmen and the rest of the community now stand respectively to the

Churchyards, it does appear to me that, if Parliament were to pass any measure even tending in that direction, without the clearly-expressed concurrence of a considerable majority of *bona fide* Churchmen, it would be doing nothing less than a very grievous act of political injustice.

And I venture to think there can be no reasonable doubt as to what the real sentiments of Churchmen are, for the most part, lay as well as clerical, on this question. I might, indeed, appeal on this point to the almost unanimous expressions of opinion that have been given at recent Diocesan Conferences,—assemblies where, pre-eminently, the voices of our most earnest and thoughtful Church laity are to be heard. But I will rather appeal to another kind of testimony, which will probably carry more weight with politicians, generally speaking, and which, I confess, is to my own mind absolutely irresistible; all the more so, indeed, because it comes to us through a somewhat oblique and indirect medium, and is consequently the less open to any suspicion of having been called into existence for the mere occasion. The testimony to which I refer is that which is to be drawn from the statistics of our urban cemeteries.

Before, however, I proceed to make my immediate appeal to this testimony, it may be well, perhaps, by way of helping us better to appreciate its true value and significance, that we should just look at one or two points in the constitution of our urban cemetery system.

And, first, let us observe that the system is, in the fullest possible sense of the expression, an institution of the State; having been created entirely by Act of Parliament, being maintained exclusively by means of public rates,

and being administered under the sole authority of the State.

But, secondly, while it is thus a purely State institution, yet it does its work,—that of affording to our urban population the requisite means and facilities for burying their dead,—with the utmost practicable regard for individual freedom. It gives to all, indeed, perfect liberty to bury their dead in just that manner and with those burial rites and observances, religious or otherwise, which are most agreeable to their own respective tastes and convictions.

And it is, as I conceive, in the strictest possible accordance with this very principle of liberty, that a certain portion of each cemetery is always set apart and consecrated for the exclusive use of those who desire to bury their dead in such consecrated ground.

But, in order to understand the full significance of this provision, as a measure of freedom, it is necessary, perhaps, for us to bear in mind what consecration is, as applied to places of burial ; not, however, so much what it is, in itself, and in its spiritual essence, as what it is, in its legal and practical effect upon such places. And, if we want to know what this is, we have only to go into one of our urban cemeteries, and to see there what it is that practically distinguishes the consecrated from the unconsecrated portion of it. And we shall see, first, that the difference between them does not certainly consist in the former being at all more effectually and permanently secured for the purposes of burial than the other ; for, in this respect, we shall find them both exactly alike. Nor, again, does it mean that the unconsecrated portion has not, like the consecrated, a distinct and proper sacredness of its own. For Christian

people, at all events, if none else, will be ready to admit that any place which has been properly secured as a resting-place for the bodies of redeemed men and women, till the great and final day of resurrection, must have derived some special sacredness from this circumstance alone, quite irrespective of any definite and formal act of religious consecration. The real point of distinction, indeed, between the two is, that, while the consecrated part admits of no religious ministrations within it, except those of the Church and of her clergy, the unconsecrated portion owns no such restriction. And this, I may add, is really the thing which distinguishes consecrated buildings, including cemetery chapels, from those which are unconsecrated.

Now it is, as I presume, in the full cognizance of this distinction, that Churchmen have always been allowed to have one side of each urban cemetery consecrated for their own special use. And, as I maintain, this concession has been made to them in the clear interest of religious equality and freedom,—on the principle, indeed, of giving to every section of the community alike, whether Churchmen or otherwise, the largest possible measure of individual liberty.

And I may mention also that, in accordance with the same principle, a similar concession is usually granted to Roman Catholics, who have their special plot of ground for their exclusive use, on the unconsecrated side of each cemetery. And, for my own part, I can see no reason why any other body of persons that is of sufficient number to justify such a concession, or, in other words, to make it practicable,—for, obviously, the indefinite subdivision of cemeteries would be a physical impossibility,—should not have a like privi-

lege, if they desired it. I am not aware, however, that any other religious body has ever indicated any desire for it. The religious Nonconformists, indeed, as a rule, seem content to use their burial rites in company with those of any other section of the community,—not even excluding unbelievers and atheists,—if we may judge from the efforts which they are using in order to secure for themselves this companionship in our consecrated Churchyards ; not caring very much, apparently that, in doing so, they are likewise, in effect, seeking to force the same thing upon Churchmen, notwithstanding their known and avowed repugnance to it.

I ought, however, perhaps, to mention one very estimable body of Nonconformists, who seem to form an exception to the prevailing indifference on this point ; viz., the Society of Friends. For I find, among the published rules* of this Society, the following :—“ Burials of persons not members of our religious Society may take place in our burial-grounds, provided they be in all respects conducted as the burials of Friends are conducted. Friends are to exercise discretion as to complying with any application that may be made in such cases ; and as to appointing a meeting for worship on the occasion.—1832—1861.” And, certainly, I cannot, for my own part, see why the sentiment embodied in this rule should not be gratified, in our urban cemeteries, in the case of this Society, wherever their numbers are sufficient to justify such a concession being made to them.

* See “ Doctrine, Practice, and Discipline,” published in London at the Friends’ Book Depository, 12, Bishopsgate Without, 1864.

But I know there are people, who,—somewhat in the spirit of those French politicians that seek to enforce purely secular burial on their fellow-countrymen, and to suppress all sorts of religious observances at funerals,—would object to any concession being allowed to the sentiment in question in any quarter. They would maintain, indeed, that the sentiment is, in its very essence, illiberal, no less than superstitious, and, therefore, that it is contrary to the true principles of political freedom to give it any sort of favour or countenance.

I venture, however, to challenge this doctrine at all points. For, first of all, I will take upon me to deny that the sentiment is either illiberal or superstitious. And, in doing so, I think I am not only justified in assuming the concurrence of the Society of Friends, but also in claiming the practical support—as I shall presently show—of a very large majority of the urban population of England. But, secondly, I maintain that, even if the sentiment were both illiberal and superstitious, this would form no sufficient ground, on the truest principles of political freedom, for refusing to it the concession of which I have been speaking. Those principles, indeed, as they have been accepted by Parliament, and frankly and courageously applied in the constitution of our urban cemetery system, demand that the whole population, without distinction of class or creed, shall have the utmost practicable facility for burying their dead in such manner and with such forms and usages, religious or otherwise, as are most in accordance with their own feelings and convictions. And, therefore, the question is not whether those feelings and convictions are such as *other* people, be they many or few, may happen to approve of.

But it is, first, whether they are entertained by a sufficient number of persons to make the required concession to them practicable; and then, of course, whether it can be made without inflicting wrong on any other sections of the community. And, as regards the question of sufficiency of numbers, this is obviously one to be determined, in each case, as it arises, by the proper local authorities; while, as regards the other point,—that of inflicting wrong* on other

* A case of ostensible grievance was brought before the House of Commons on the 15th February, 1878, by a member, who represented it as his own; though it would seem rather as if he were speaking in jest, and intending only to state a possible and hypothetical case. He describes himself as having had two wives, one a member of the Church of England, and the other a Roman Catholic, and as having lost both; he himself being a Nonconformist. And his grievance was that, having buried the former wife in the consecrated portion of his urban cemetery, and the other in the Roman Catholic, and expecting himself to be buried in the neutral portion, he should be separated alike from both. And he spoke of his grievance as if it resulted in some way from a restriction on his liberty, under the existing arrangements of our urban cemetery system. But, if he had taken the trouble to think a little about the matter, he would have seen that his grievance does not really arise from any restraint upon his freedom, but, on the contrary, from a sheer excess of liberty, and from nothing else. For who, let me ask, must have given orders for the burial of each of his two wives, in the way described? It must have been, of course, himself. And he did so, no doubt, in both instances, just because he thought he would thus be carrying out their respective wishes. So that he was, obviously, on both occasions a free agent, but unfortunately *too* free, inasmuch as he had the option of consulting the supposed wishes of his two wives, when he would really have preferred being *forced* to disregard the wishes of both, so that he might thus obtain for himself the double satisfaction of being buried

portions of the community,—this is quite out of the question, if only care be taken to carry the thing out in such a way as not to involve imposing any undue share of pecuniary burden upon other classes. For, as respects their liberty, that would not be affected by it in the slightest degree. They would be left, in fact, just as free to use their own burial rites in their own neutral portion of their cemetery, as if no concession of the kind had ever been permitted to any other class, whether Churchmen, Roman Catholics or others. And, more than this, their liberty would not be the least enhanced, if every such concession were to be at once cancelled, and if the consecrated, or otherwise appropriated, portions of each cemetery were to be thrown together with the rest, into one common and neutral ground.

I think, therefore, I am perfectly justified in maintaining that the concession of consecrated ground to Churchmen in our urban cemeteries,—and this is my immediate point,—is

with his own form of burial service, and, at the same time, of having his Anglican and Roman Catholic wives resting peacefully on either side of him.

And here, by the way, I should like to observe that I think a great deal too much has been made, in this burial controversy, of the point of separating relatives in death. It is obvious, indeed, that, on every occasion of establishing a new urban cemetery, or of enlarging an old Churchyard—which is a matter of continually recurring necessity—such separation becomes inevitable, as the almost universal rule. And, even in an established cemetery, or in any ordinary Churchyard, it is almost impossible for people, unless they can afford to pay for the reservation of a large space of ground, to secure being buried in close proximity to their ancestors or near relatives. I cannot see, therefore, why this consideration should be made to override every other, as it is often attempted to make it, in dealing with this burial question.

in the strictest possible accordance with the true principles of civil and religious liberty. For it is, in fact, only giving to them what is given to all the rest of our urban population, viz., the opportunity of burying their dead in the way most agreeable to their own feelings and convictions.

And now, having made these remarks upon the constitution of our urban cemetery system, I think I am in a better position to make my proposed appeal to the statistics of the cemeteries. And what is it that these statistics show ? First of all, they show to what a large extent even our urban population have testified their appreciation of the opportunity afforded to them, in those cemeteries, of burying their dead in consecrated ground, *i.e.*, in ground where only the ministrations of the Church and of her clergy are permitted. And, secondly, assuming, as I think we may undoubtedly venture to do, that this feeling is even very far more prevalent and more earnest in rural than in the urban districts, the statistics show, indirectly and by inference, how very severe would be the blow inflicted upon the great bulk of our rural population, if the opportunity in question, which they have enjoyed so long in their parish Churchyards, were now to be wrested from them, as Mr. Morgan proposes to wrest it, by his scheme of total and absolute neutralization.

I proceed then at once to appeal to these statistics, at least, so far as I am able to do so. For I am sorry to say there have been no Parliamentary returns on this point, as I think, there might very well have been. So that, in fact, I am obliged to content myself with some rather partial, though still very valuable and interesting statistics, that have been lately collected and published by the Rev. J.

Milner, Rector of Middleton-in-Teesdale.* This gentleman informs us that he "obtained a complete list of all the Burial Board Cemeteries, and the names of many of the large Cemetery Companies, and sent out a circular asking for the required information," and that he "succeeded in obtaining returns from nearly one-half of the former—about 250—and from seven of the latter." If these returns, therefore, are not so complete as we could have wished, this is not from any fault on Mr. Milner's part. And although, unfortunately, returns are wanting from some very important places, there are yet returns from other places not less important; and, at all events, it cannot be said that the places actually represented in the returns have been selected by Mr. Milner himself, as being more favourable to the object he had in view in collecting them. I am able, moreover, to supplement these returns by a few additional particulars taken from the *Church Quarterly Review* of January, 1877, p. 508. So that I think we may fairly accept the whole as a sufficient, though, of course, not exhaustive account of the matter. And from these combined sources we learn that in 271 cemeteries there have been, since their first establishment, in the consecrated portions, 879,636 burials, and, in the unconsecrated (including the Roman Catholic) portions, 435,817; showing a proportion of rather more than two to one in favour of the former.

These figures, then, prove that, in the cities and towns

* "The Burial Question: a Voice from the Cemeteries." By the Rev. John Milner, B.A., F.R.G.S., Rector of Middleton-in-Teesdale, and Chaplain in Ordinary to H.R.H. the Duke of Edinburgh. London: William Ridgway, 169, Piccadilly, W. Price Sixpence.

here represented, if not in all throughout the kingdom, there have been at least two out of three of all the inhabitants, who have deliberately and spontaneously elected to bury their dead in consecrated ground, *i.e.*, in ground where the ministrations of the Church and of her clergy alone are permitted ; while they might, if they had preferred it, have just as easily, and (as I am told) more cheaply, buried them in the unconsecrated or neutral ground, where every form of burial rite is freely admissible. And this choice, be it remembered, has been made by these two-thirds of the people, not under the excitement of political or sectarian agitation, but on occasions when we must presume their feelings to have been calmed and subdued under the influence of sorrow and bereavement, and when, therefore, their action may be taken as affording the truest index to their real sentiments and convictions.

This verdict, moreover, given by so large a majority of the urban population, and in so remarkable a manner, is not to be contemptuously set aside, as people will often attempt to set aside any merely clerical expression of opinion on a subject of this description. For it is pre-eminently a lay verdict, and one, too, that is all the more telling and emphatic, in this very point of view, from the fact of its emanating from our cities and towns ; where, certainly, no one can say that clerical influence is particularly rampant, whatever may be said sometimes of our country villages in this respect. To my own mind, indeed, these figures present a far more genuine and trustworthy reflection of lay opinion on this subject, than is to be derived from any conceivable number of got-up declarations and petitions respecting it, or even from the

many debates and divisions about it in both Houses of Parliament ; especially considering what great temptations there are, often, in those places, even to politicians of the highest rank, to subordinate such questions to the mere interests of party warfare.

Looking, then, calmly and honestly at these statistics, and at what they so plainly indicate, I cannot help thinking that, in the view of any candid and truly liberal politician, it would seem a needless act of cruelty for Parliament even only to deprive our urban population of the consecrated portions of their cemeteries ; undeniably as, of course, it may assert its right to deal with these cemeteries as (in the fullest sense of the expression) the property of the State. But it would surely be an act of tenfold greater cruelty, and even injustice, to despoil our rural population of their consecrated Churchyards. For, not to speak of the far wider area of privation that would be thus inflicted,—and I do not think there can be the smallest doubt that a vastly larger number of people would be injuriously affected by this latter measure,—it should be remembered, likewise, that the persons thus affected can claim for themselves a special right and property in their Churchyards, which urban Churchmen can by no means claim in the consecrated portions of their cemeteries. Then, further, we should not forget that the Churchyards are the precincts of the Churches. And devout Churchmen are apt to feel that whatever impairs in any way the sanctity of their Churchyard tends also, more or less, to impair that of the Church itself.

And let me illustrate this latter point, as well as, indeed, another, at the same time, by indicating one of the possible

results of Mr. Morgan's scheme, if it should ever become law.

At present, as I need hardly mention, the Incumbent of any parish holds by law the freehold of its Churchyard. Still, he can, under no circumstances, perform there any sort of burial service, except just that which is strictly enjoined in the Prayer Book. And I am not aware that Mr. Morgan desires, or that any one else ever expects, to see a relaxation of this rule. At all events, I believe that, under Mr. Morgan's scheme, the Incumbent would be just as rigidly bound by the rule as he is now. Let him, however, only resign his benefice, and with it, of course, the freehold of the Churchyard, and let him then, further, proceed to repudiate his Holy Orders and (so far as that is possible) become a layman ; nay, let him take just one step more, and renounce his Faith and become an Atheist ; and then this very same individual may be invited by the surviving relatives of some deceased *quondam* parishioner, who had, perhaps, through his instrumentality, become an Atheist like himself, to come back to the old Churchyard and deliver a funeral oration over their kinsman's grave, possibly within a few feet of the hallowed spot where the ex-Priest had formerly been wont to celebrate the Holy Eucharist ; and here, over this open grave, he may stand and pour forth his impious utterances against GOD, and against the Eternal State, and against all that Christians, not to say Churchmen, hold dear and sacred. Nay, more, this very same person, who, while he was Incumbent, was under such rigid restraint in his own Churchyard, may now, at the request of the surviving relatives of any deceased person, go not only to his old Churchyard, but to

any other Churchyard throughout the kingdom, and may there give unbridled expression to whatever impiety he pleases ; and this, too, be it remembered, not as a mere casual irregularity which the proper authorities should take care to prevent ; but in the exercise of an indisputable legal right, which no authority in the realm, not even the Queen herself, could challenge or interfere with. And let it not be supposed that this is at all an impossible case. Would, indeed, that we might believe it, in the not very distant future, to be an altogether improbable one ! But what, let me ask, would be the feelings of devout Churchmen, who should see their Churchyard and their parish Church alike thus insulted and desecrated ? Nay, may I not ask, what would any congregation of religious Nonconformists, who might happen to have a burial-ground attached to their place of worship, be apt to think, if they were compelled to witness a like scene taking place there ? I cannot believe that they would look upon it with any feelings at all approaching to resignation or equanimity.

And now let me call attention to another effect of Mr. Morgan's scheme, as showing how unjust and oppressive its operation would be, with respect to the consecrated burial-grounds of Churchmen. And it is, that, under his scheme, those grounds would become neutralized, as the direct consequence, or, I might almost say, penalty, of their very consecration. It would be the mere fact, indeed, of their having been formally and solemnly consecrated by the Bishop for the exclusive ministrations of the Church and of her clergy, and nothing else, that would bring them within the scope of his measure of neutralization.

Let me explain this more fully. It should be borne in mind, then, that there are in the rural districts of England, many Nonconformist places of burial. But, of course, Mr. Morgan's scheme would not touch any of these. And why? Just because they have not been consecrated by a Bishop. Again, if we take the case of those numerous burial-grounds which have been established by Churchmen during the last fifty years or more, with the undoubted object of having them used exclusively for the service of the Church, we might not unreasonably suppose that, if the donors of these had only been able to anticipate Mr. Morgan's scheme of neutralization, they would, at all events in many instances, not have had them consecrated in the usual way, but would have kept them in their own hands, or in the hands of Trustees, and so would have secured them, in some such way as Nonconformist burial-grounds are usually secured, for their intended purpose. And, I would ask, could Mr. Morgan's scheme have reached these burial-grounds of Churchmen in such a case? I think not. Indeed, it would be the fatal incident of their consecration, and nothing else, that would bring them within its operation.* And so, with

* On February 19, 1879, Mr. Osborne Morgan said, in the House of Commons, respecting the consecrated burial grounds given by private donors within the last fifty years, that "they have been given to the *Nation*." Now I should like to call his attention to the case of Barnard Castle,—mentioned in the pamphlet of the Rev. John Milner, before referred to at page 25,—where, as we are told, the consecrated burial ground of the town "was given to the Church by the Lord of the Manor, and the cost of fitting it up and building a chapel on it was defrayed by the voluntary contributions of Churchmen. At the same time another piece of ground was given by the same donor

regard to any future burial-grounds that Churchmen might desire to establish, under similar conditions, in the event of Mr. Morgan's scheme becoming law. I suppose that, so long as these grounds should remain unconsecrated, they might be kept used in strict conformity with the intentions of their founders. But, if any founders should incontinently yield to the temptation of letting the Bishops into them to consecrate them, then the grounds would become, by that very process alone, neutralized, or, in other words, disconsecrated. So that, in fact, under the operation of Mr. Morgan's scheme, formal religious consecration would be simply transformed into legal and practical disconsecration ; and all this, in the vaunted name of civil and religious liberty !

But I must now hasten to a conclusion. And I should desire my conclusion to be, as far as possible, a practical one. For I do not wish to expend my force, whatever it may be, on mere criticism. I admit, then, most freely, that some new legislation is required on this subject. For it is easy to see that there are grievances, at least in our country parishes, which need to be promptly and effectually dealt

to the Dissenters, and a third portion to the Roman Catholics for use as burial-grounds." Now I should like to know whether or not Mr. Morgan considers the latter two grounds to have been " given to the Nation ;" and, if not, why they are not, while the consecrated ground of the Church is supposed to be thus given. Is it that he thinks the consecration makes all the difference ? In other words, is that which was meant to have the effect of excluding all other burial rites but those of the Church, to be made the sole ground and plea for admitting every other ? For this is obviously the practical issue of his contention,

with. There is, *e.g.*, the undoubted grievance of the religious Nonconformist, who has, generally speaking, no opportunity, in a rural parish, of burying his dead in the way that would naturally be most full of comfort to him in his hour of deep sorrow and desolation. Then, there is the grievance of the unbeliever and Atheist, which, though not as yet, perhaps, so importunate in its cry for redress, will, no doubt, as infidelity becomes more open and aggressive, declare itself with increasing obtrusiveness and emphasis. Churchmen, too, and especially the Clergy,* have their indisputable grievances, with regard to the Burial Question, though theirs, for the most part, are such as fall within the province of ecclesiastical, rather than of imperial, legislation. But those other grievances, before-named, are strictly and properly political, and should be dealt with by Parliament, and at once. Let them, however, be dealt with honestly and manfully ; not, indeed, as mere matters of party

* It is surely a very serious grievance to a conscientious clergyman, who has any sense of the meaning and force of words, to have to use the language of our Burial Service in some cases where the law now compels him to use it. This grievance was alluded to by Mr. Bright, in his very temperate and considerate speech in the House of Commons, on Feb. 15, 1878 ; when he suggested as a remedy that the language of the service should be toned down so as to suit any and every case. This, however, I conceive, would involve a needless privation to the friends and relatives of persons who had really lived a Christian life and died a Christian death. Are there not other ways of meeting the difficulty ? Would it not be better, *e.g.*, to retain the present service for *bonâ fide* Communicants, according to the terms of the Rubric at the end of the Communion Service, and of Canon XXI. (1604), and then to have a new service, such as Mr. Bright suggests, for the rest ?

manœuvre, with, perhaps, ulterior views to something else ; but in a straightforward and statesmanlike spirit, with a simple regard to the true nature of the grievances to be redressed, and to the most appropriate and effectual means of redressing them. And, above all, do not let us, in endeavouring or pretending to remove one set of grievances, create fresh ones, that would probably be felt even more keenly, as well as far more widely, than those now existing.

And the proper remedy is really as simple and easy as it could well be. Let Parliament, indeed, only deal with the question on the most obvious principles of political justice and right, and the thing may be done at once. For, let me ask, whose real business and duty is it to provide the means and facilities of burial for our rural, as well as for all our other population, Churchmen, Nonconformists and all, alike ? It is not surely the work of Churchmen in particular, nor yet of any other religious body, except just so far as they may choose to undertake it themselves ; in which case Parliament would, of course, naturally leave them free to do it in their own way, so that they only took care to avoid infringing any sanitary and other laws in their mode of procedure. But it is obviously the normal function of the State to make this provision wherever and whenever it may be required, and to do so by means of public taxes bearing on the whole community alike.

I believe that Mr. Morgan's party meet this proposal with the cry that it would add to the already too severe local burdens of the agricultural ratepayer. And no one would sympathize with that objection more sincerely than myself. But even supposing that the whole expense

were to fall on the local ratepayer,—which is, I think, by no means to be taken for granted,—I should still maintain that if the thing were only carried out in a sensible, practical, and business-like manner, the tax involved, wherever it might fall, would be almost infinitesimal, and would certainly not bear the slightest comparison with that of a School Board, which, however, Mr. Morgan's party are only too eager to force, if they can, upon every district, agricultural or otherwise, throughout the kingdom.

But let me briefly suggest a method of dealing with the question,—nearly corresponding with that of the Government, in 1877,—which would, I think, be at once simple, economical and just.

And, first, I should say, let the Churchyards be left alone, except that they should all be subjected to an immediate Government Inspection, and, when reported full, be closed at once against all future burials, whether of Churchmen or others. It is quite revolting to see, as one often does, beside an open grave, decayed fragments of a coffin, or even human remains, lying exposed among the soil that has been dug out of it. No ground, surely, ought to be used a second time in any Churchyard; and, when all of it has been used once, the Churchyard should either be closed or enlarged forthwith. If, however, the Churchmen of a parish are willing to enlarge their Churchyard, or otherwise to have a new burial-ground elsewhere for their own use, let them do so, of course; but only at their own cost. And, if they decline to do this, then let them take their chance with other people in the cemeteries to be hereafter provided at the public expense.

These new cemeteries would obviously not be of neces-

sity parochial, like the Churchyards. But this would involve no inconvenience to any religious body, except, perhaps, to Churchmen, since no other is, in any sense, parochial in its organization. And it would, no doubt, very often be found convenient, as well as more economical, to combine two or more parishes, so as to form a district with an aggregate population of (say) not less than two thousand. Each Poor Law Union, indeed, might be divided into districts of this kind, and the Board of Guardians, with the aid of local or district committees, would naturally be the body to undertake the formation and administration of the cemeteries for the several districts comprised in the Union.

Supposing, then, that for each of such districts a cemetery, consisting of (say) an acre, more or less, were provided, and were furnished with a suitable fence, entrance, and gravel-walk, such as may be seen in any tolerably well-appointed country Churchyard, this is really all that could be required as a matter of necessity. For I should certainly, for my own part, say that there is no need whatever for these expensive and unsightly erections,—the duplex chapels,—which usually disfigure our urban cemeteries. If people wish to have any in-door service at their funerals, whether they be Churchmen or otherwise, they would surely find it far more comforting to have them in their own usual place of worship, or even at home, than in these hideous and abnormal structures. And, even if this should involve the necessity of going a little out of their way, yet, as funerals are, happily, not of very frequent occurrence in families, this would hardly be a matter of any great consideration. At all events, it is what rural Nonconformists would have to submit to, under Mr. Morgan's scheme, if

they desired an in-door service ; since he does not, as yet, propose to admit them into the Churches, but only to the Churchyards.

And now let us see what would be the probable cost of a cemetery of this kind, even supposing that the land for it had to be purchased at its full market value ; though I have little doubt that, for such a purpose, it would often be sold at an almost nominal price, if not even given, by liberal landowners. It would be well, however, perhaps, in any legislative measure, such as I am here suggesting, to provide against the possibility of extortionate demands, in case of any proprietors being otherwise disposed. But, assuming the land to have been purchased at its full market value—and, as it would most probably be selected in some retired situation, its value could hardly be very considerable—I should think that the entire cost, including fence, gates and gravel walks, need not exceed £60 or £80. Let us take it, however, at the larger amount, and let us suppose that this sum is borrowed from the Public Works Loan Commissioners, and made repayable in (say) forty yearly instalments,—the School Board loans are repayable in fifty years,—this would involve an annual liability of £2 in respect of instalment of principal. Then, as regards interest, I should venture to suggest that Parliament might not unreasonably allow such loans to be made free of this charge. For I cannot think that, under all the circumstances of the case, the general tax-payer would have any pretence for complaining of this, as it is obviously most unjust to lay all the burden of burying the whole community upon the owners of rateable property alone. But, even supposing that Parliament could not be brought to accede to this most equitable

proposal, and that, in consequence, an average yearly interest of (say) £2 had to be paid upon the loan, for the full period of forty years, this would bring up the entire annual charge to £4. Assuming, then, as we have been doing, that the cemetery is to serve for a district of at least two thousand people, we may fairly estimate the rateable value of such a district at not less than £10,000. So that, in fact, the annual rate that would have to be levied upon the district, in order to meet this yearly charge of £4, would be something less than one-tenth of a penny in the pound.*

So much, then, for the first establishing of the cemetery. And, as regards the care of it afterwards, I feel

* There are some persons who seem to think it quite unreasonable that the ratepayers should ever be expected to provide new burial-grounds, even at this very trifling cost, and who take it for granted that things are always to go on as they are now, even though our Churchyards should become neutralized, as Mr. Morgan proposes that they should be. But what right has any one to assume that, when our Churchyards are full—and many of them are so already, while the rest are fast filling—Churchmen will care to enlarge them, or to provide new burial-grounds elsewhere, under the very altered circumstances of the case? For, if it be so very unreasonable, as some appear to think, that the whole body of the ratepayers should be called on to provide burying-places for the entire community, when, with their facilities for borrowing, they can do the thing so easily and at so light a cost, can it be so very rational to expect that Churchmen will be anxious to go on for ever volunteering this provision, when they have not only to pay down *at once* the full purchase money for the new grounds, with every other item of cost, but have also to see the grounds used afterwards, under conditions of which they themselves so thoroughly disapprove?

sure there would be no difficulty in finding some trustworthy person, who would be quite willing to undertake this, in return for the usual Sexton's fees and gratuities. And, as to any other expenses, these would, I suspect, be more than defrayed by the sums received for graves, head-stones, &c., leaving, probably, a balance over, to be applied towards reducing the one-tenth of a penny rate.

Then, as to what I may perhaps call the internal religious economy of each cemetery, I would venture to suggest that the utmost practicable consideration should be shown, in this respect, to the wishes and feelings of *all* who might have to make use of them. *E.g.*, Roman Catholics, where there were any, should be allowed to have their special corner reserved for them, as in the urban cemeteries. Again, I can see no reason why one or more communities of Nonconformists might not, if they wished, and could agree among themselves about it, have a portion allotted to them, in like manner ; nor yet why secularists and unbelievers should not, if they cared for it, have their portion also. Churchmen, too, I suppose, might have their portion,—though *not necessarily* consecrated by the Bishop,—if, through the closing of their Churchyards, and the absence of any proper Church burial-ground, they should desire it. And it ought, of course, to be understood that, whatever expenses might happen to attend upon any such appropriations of ground should always be defrayed by the parties on whose application they were granted by the burial authorities of the district. I need scarcely add that there would, of necessity, be still an ample residue of neutral ground, where every form of burial rite might be used that was desired, not even excluding any of those for which

special provision had already been made in the reserved portions of the cemetery.

Now I cannot but think that this mode of dealing with the burial difficulty would be at once practical, inexpensive, liberal, and just. In these latter respects, indeed, it would be framed almost exactly on the same lines as our present urban cemetery system. And it would afford to rural Nonconformists, as well as to other now aggrieved persons, just the relief they need and ask for, without inflicting on Churchmen the very serious wrong involved in Mr. Morgan's scheme. For that scheme, as I have before shown, would rob Churchmen—in their own Churchyards, too, which are their own special property, and are kept up and (when needful) enlarged at their own cost—of a privilege which, in our cities and towns, has been frankly and generously accorded to them entirely at the public cost.

I have sometimes heard people say, in support of Mr. Morgan's and other such like schemes for admitting alien burial rites into our country Churchyards:—"The Nonconformists and others in our cities and towns have the opportunity of burying their dead as they like best; why not give to rural Nonconformists the same opportunity, and so put country and town on the same level in this respect?" And I should say in reply:—"By all means, do place both on the same level; but let it be a real, honest, uniform, and consistent level. And, while you give to rural Nonconformists and the rest, as is right, with open hand, all that their brethren in the cities and towns already enjoy, do not deprive rural Churchmen of a privilege, which is at present both rightfully possessed, and deeply and gratefully appreciated, by Churchmen in town and country."

alike. And may I not venture to claim as much as this, at least, for rural Churchmen, not on the grounds of political justice and equity alone, but also in the honoured, though too often misappropriated, name of civil and religious liberty?"

NOTE. (*See p. 15.*)

I might, perhaps, be asked whether I should myself be prepared to give due weight to these anomalies, in their bearing upon the question of disestablishment. And I should answer at once that I am quite prepared to do so, and should not shrink for a moment from dealing with the whole subject from that point of view, on a proper occasion, though I can hardly be expected to do so at any length here. I may remark, however, by the way, that, in treating of the general question of disestablishment—and of disendowment likewise—a very important distinction needs always to be kept in mind. For it is obviously one thing to admit—which, probably, most loyal Churchmen would be willing to do—that, if the Church had not been long since established in its present legal status and authority, it might be impossible, even if it would be just or politic, to establish it in that sense now, for the first time, considering its diminished proportions. But it is another and a very different thing to allow—which I believe few Churchmen would be willing to do—that justice and sound policy demand its immediate disestablishment, under all the circumstances of the case, merely because of its reduced numbers and influence.

And, similarly, as regards the question of disendowment, it may be freely admitted that, if the work of endowing the Church were now to be undertaken for the first time, a considerable portion of what she at present enjoys, including a good deal of the tithes, would not be found among her endowments. For, of course, we can hardly suppose that those who are outside of the Church would now volunteer the payment of tithes. But, when we come to the question of

dispossessing her of her actual property, it is by no means so easy to say what either justice or sound policy might dictate, with regard to it. For my own part, I think that the same principles should be observed in dealing with the endowments of the Church, that would be adopted in dealing with those of any unestablished religious community which might happen to be in possession of large property. For it is quite unhistorical to suppose that endowment is a mere incident or consequence of establishment, even in the case of the Church of England. Supposing, then, that any other religious body were possessed of large endowments, which had been given to it at a time when its numbers were far greater than at present; let me ask, what extent of decrease in those numbers would be deemed sufficient to necessitate the total, or even partial, confiscation of such endowments, on the part of the legislature? It is, no doubt, quite conceivable that the amount of diminution might become so extreme, as to leave the endowments entirely without any appropriate claimants; in which case, they would obviously lapse to the State, as their primary and natural proprietor. But surely a far smaller measure of decrease might render it incumbent on the legislature to readjust their application, from time to time, or even to make an entirely new distribution of them? And in a similar way, but *only* in such a way, could it ever be, as I conceive, the duty of Parliament to deal with the endowments of the Church. For it is absurd to say that the Church originally received them from the State. A good deal of her property, indeed, has been at different times, whether rightly or wrongly, taken away from her by the State. But very little can be said to have been ever given by it. Even the tithes were not the gift of the State. The Church, no doubt, from the first, taught her members, as Moses had taught the Israelites, to give tithes to their clergy. And, accordingly, the landowners, from the highest to the lowest, from the King to the humblest Thane, seem at once to have made the payment of tithes a perpetual charge upon their respective lands. And, although the State has, from time to time, legislated for the regulation of such payment, it certainly cannot be said to have created the charge.

I may be told, perhaps, that all this might have held good, if it had been said of the Church as it existed before the Reformation; but that

the Reformation has entirely altered the state of the case. But, if this means anything, it means that the Church is now a different Church from the unreformed one, and in fact, that it is a *new* Church. I can only say, however, that those who took the chief part in the Reformation of the Anglican Church would have been deeply affronted if they had been told that they were creating a new Church. This, indeed, was as far as possible from their intentions; for we know that they did their utmost to preserve its continuity, not only by maintaining unbroken its line of episcopal succession, but also by perpetuating, to a very great extent, its ancient ecclesiastical constitutions and laws.







